

Resolution No. 1024-2022-SETENA

THE MINISTRY OF ENVIRONMENT AND ENERGY, THE NATIONAL ENVIRONMENTAL TECHNICAL SECRETARIAT, AT 09 HOURS 45 MINUTES ON JUNE 16 , 2022 .

DOMINICAL BEACH SUNDAY TOURIST DEVELOPMENT PROJECT ADMINISTRATIVE FILE No. D1-20951-2017-SETENA.

Learn about the Plenary Commission of this Secretariat, the Environmental Assessment Form (D1), the Environmental Impact Study (EslA), the Affidavit of Environmental Commitments and the analysis of the Environmental Impact Assessment, of the project: **Sunday Tourism Development: Beach Proprietary**, presented by the company Un Paseo al Mar LLC Ltda, with legal ID No. 3-102-696315., represented by Mr. Trevor Yoder, with US Passport: 488048894, file **D1-20951-2017-SETENA**.

RESULTING

FIRST: On September 7, 2017, the Initial Environmental Assessment Document is received at this Secretariat and on March 15, 2019, the Environmental Impact Study of the Project: **Dominical Tourism Development: Playa Dominical**, presented by the company, is received. , Un Paseo al Mar LLC Ltda, with legal ID No. 3-102-696315, represented by Mr. Trevor Yoder, with US passport 488048894, file No. 20951-2017.

SECOND: On July 31, 2019, the inspection of the project area was carried out by officials from the SETENA Environmental Evaluation Department; the representatives of the developer or the environmental consulting team did not appear. Mr. Nelson Cerdas Mora is sent as a companion, who is in charge of maintaining the properties.

THIRD: Through Resolution No. 2782-2019-SETENA of August 27, 2019 and notified on September 2, 2019; The Plenary Commission notifies the Annex request to the project developer.

FOURTH: On February 3 and April 1, 2022, through consecutive Nos. 11454-2022 and 1402, enter part of the requested information, in resolution No. 2782-2021-SETENA, dated November 19, 2020.

Regarding the components of the EsIA requested through Resolution 2782-2019, the following clarifications or additions are requested to be presented:

No	Prevention Detail	Answer
	Legal Aspects of Form	

Resolution No. 1024-2022-SETENA

1	<p>1. Georeferencing in accordance with resolution No. 2654-2008- SETENA in digital: 1.1</p> <p>Shapefile of the cadastral plans, with CRTM05 projection and with its respective attribute table (as indicated in decree 37803), 1.2 KML of the cadastral plans with their respective table of attributes (as indicated in decree 37803).</p> <p>1.3 Shapefile with mooring points, which corresponds to a shapefile with at least three mooring points on the vertices of each of the cadastral plans (3 mooring points for each cadastral plan).</p> <p>1.4 If the entire area is not going to be developed, the shapefile and KML of the construction footprint must be requested, with CRTM05 projection.</p> <p>Present the georeferencing of the project in accordance with the provisions of DE 37803 and ACP 144-17.</p>	<p>Complies, the request is presented in consecutive No. 01402-2022.</p>
2	<p>Must be submitted again in table form, the cadastral plans with their respective registration, area and the notarial and registry certification of each of the properties, since there is confusion between the different plans, with the owners according to the registry and in some plans the respective registration number does not appear. Example of the above:</p> <p>a) Plans 6-1945988-2017 and 6-2021447-2017, they do not have registration.</p> <p>b) The legal status of Cabinas de las Olas de Playa Dominical LDTA Legal ID 3-102-156455 (Folios 119-120 EsIA), appears in the property registry certification as Cabinas de las Olas de Playa Dominical SA, legal ID 3 -101-156455 (Folios 18-17 Exp.).</p> <p>The legal status of Hotelera Playa Dominical LDTA. Legal ID 3-102-156454 (117-118 EsIA),</p>	<p>Complies, the table with the legal entities, cadastre plans, registration certifications and concessions is presented as requested. (Annex numeral 2), through consecutive Nos. 01402-2022 and 03731-2022.</p>

Resolution No. 1024-2022-SETENA

	<p>appears in the property registration certification as Hotelera Playa Dominical SA Legal ID 3-101-156454 (Folios 16-15 Exp.).</p> <p>The legal status of Cabinas Estrellas del Mar de Dominical LDTA.</p> <p>Legal ID 3-102-156323 (121-122 EsIA), appears in the property registry certification as Cabinas Estrellas del Mar de Dominical SA Legal ID 3-101-156323 (Folios 14-13 Exp.). c) Plan P-0256841-1995 should be plan 6-1883461-2016.</p> <p>d) P-0256842-1995 should be plan 6-1883460-2016.</p>	
3	<p>For all cases in which the project developer is not the owner of the property, authorization from the owner must be presented with a signature authenticated by a lawyer.</p>	<p>Does not comply with all authorizations. You must present them correctly.</p>
4	<p>Geotechnical information on supporting capacity or foundation for civil works: 4.1 Provide a justification with technical arguments that justify that the studies carried out in 2015 are still valid for the project.</p> <p>4.2 It must be clarified and certified, since in page 239 EsIA, in what corresponds to the foundation system and support capacity, they mention that the materials are suitable for the foundation of light to medium structures (1 or two-story buildings). , since this type of structures transmit low loads to the foundation soil: however, according to the description of the project pages 10-10 turned EsIA, we have: Property 1-3-4: 3 levels, Property 2-7: 4 levels and Property 5: 5 levels. Therefore, it must be presented with the appropriate professional responsibility document, if the materials are suitable for the foundation of medium to high structures.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022. It is clarified that Report No. 5085-15, still valid, does not require updating. INSUMA SA Consulting Engineers & Geologists, Eng. Johnny R. López García.</p> <p>4.2 There are no problems at the structural or soil level, as long as the technical information reported by INSUMA is correctly interpreted. Different methods to use for foundations are described.</p>

Resolution No. 1024-2022-SETENA

5	<p>Basic hydrology information of the nearest water channel: since there is potential for flooding in the lower part of the Quebrada sin Nombre, even upstream of the existing culvert on National Route 34 Pacifica Fernández Oreamuno, due to the low slopes and with evident influence of the tides; The Project Developer has established a combination of dikes and terraces that will be implemented on the site. Present the above in the site design at an appropriate scale.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022. It is indicated that there will be different management for the lower part (beach area) of the mountainous area (bungalow area).</p> <p>Technical recommendations: dikes on the margins of the unnamed stream and elevated terraces for the implementation of infrastructure. They present a design of these measures.</p>
6	<p>Note availability of drinking water: Contribute again for all registered plans, since those contributed correspond to the year 2015.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>Annex Numeral 17. RES-1030-2017-SETENA and RES-1007-2017-SETENA. Files D1-18999-2016 and D1-19001-2016. Water concessions. In plans P-1883461-2016 and P-1883460-2016, respectively.</p>
7	<p>Municipal approval of Osa, for stormwater drainage for cadastral plan 6-394451-1997.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>Attached is the Approval of the Stormwater Drainage of the Municipality of Osa, updated for all properties. See Annex Numeral 7.</p>
8	<p>Location of the treatment plant in the site design:</p> <p>8.1 On page 180 of the EsIA, location approval is provided for the treatment plant granted by the Ministry of Health, Brunca Region, for the registered plans P-1883461-2016 and P-1054661-2006. The site design must be provided with the location approved by the ministry.</p> <p>8.2 Clarify since they mention 3 treatment plants, and in the project description there are 4 (according to pages 10-10 turned out to be EsIA), Property 1, 2, 3 and 5. They mention that the second plant will be located on property 4, that does not match the project description.</p>	<p>Not Compliant, Annex 8 presents the site design. It is indicated that one of these is located within the Maritime Zone in lot 1, the second plant will be located on private land in lot 5. However; In Annex 37, responses to the Sociology section of Playa Dominical, it is indicated that 3 wastewater treatment plants will be built; while the description of the project presented indicates that there will be 2 treatment plants. Therefore, you must clarify which is the correct number.</p>

Technical Content Verification		
9	<p>Geographic location: Present a registered plan, original or certified photocopy, with the location of the land where the Project will be developed.</p> <p>In addition, a figure with part of the corresponding cartographic sheet (1: 50,000 or 1: 10,000) of the National Geographic Institute, indicating the location of the Project Area (AP) and outlining the Area of Direct Influence (AID) thereof, must also be The geographic coordinates or Lambert projection of the AP must be established.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>Annex Numeral 2: Registered plans.</p> <p>Annex Numeral 9: Location maps, on cartographic sheet, with delimited AID.</p>
10	<p>Technical justification of the project and its options: Submit according to Decree 32966. <i>“Derivation and description of the preferred option and other options that were contemplated as part of the Project or components thereof. The options must be considered at the solution level (strategic), Project (site), or activity (implementation). They can also be of the following types: i) selected option, ii) most environmentally friendly option and iii) zero option.</i></p> <p><i>Regarding the components of the Project (Selected Option), the justification must be given based on: a) description of the issue or problem that will be treated, b) the analysis of the causes of that problem, c) the way in which the Project will solve or reduce the problem, and d) the results of these steps, that is, the specific objectives of the Project.”</i></p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>It is indicated that the project is formulated as a result of the developer's expectations in accordance with the technical information obtained, in relation to the developer's real estate experience, considering the results of the analyzes and preliminary studies, such as legal implications, regime of use of private and concessionable lands, management plans, etc.</p>
11	<p>Estimated project area and area of influence: Define and present on a base map at a scale of 1: 10,000 or 1:50,000 of the PROJECT AREA, work or activity (AP) and the AREAS OF INFLUENCE (AI) direct (AID) and indirect (AI), taking into account the following: Project area is the land where the project will be carried out,</p>	<p>It partially complies, since the map is presented, but what corresponds to the desalination plant is not clarified; since in the Description of the project presented in Annex No. 13, it is indicated that the Desalination Plant is processed with D1-20952-2017-SETENA, a file that is under evaluation in the Department. Evaluation</p>

Resolution No. 1024-2022-SETENA

	work or activity. Specifying the net and total area. An area of direct influence (AID) and indirect influence (All) must be defined for the biological, physical and social media; in addition, what corresponds to the desalination plant must be included.	Environmental. However, it is indicated that in the first phase of this project the Desalination Plant will be built. Therefore, said paragraph should be omitted according to the fact that said plant corresponds to another project under evaluation.
12	Activities per project phase: Each activity in each phase of the project must be specified, in order to identify the impact on each of the environmental factors (air, water, soil, flora, fauna), since what is presented in the Flowchart and schedule, some are not activities, as an example is mentioned: Use of crushed stone, use of ground stone, occupational health and safety, neighbors and community, soil impact, etc.	Compliant; The request is presented, in consecutive No. 01402-2022. The activity schedules are presented in Annex 12.
13	Infrastructure to be developed: Detail all the infrastructure that will be built and its area (m ²), presenting a diagram of the overall plan (site design).	Complies, the request is presented, in consecutive No. 01402-2022. Annex Numeral 13 presents a design and description of the areas to be built divided into four phases. Phase 1: 35,595 m ² , phase 2: 47,503 m ² , phase 3: 107,031 m ² . The investment values of phases 1 and 3 do not coincide with those reported in the Global Investment Amount.
14	Equipment mobilization routes: Description of the mobilization routes of the machinery and equipment to be used and characteristics of the routes by which they will be mobilized. Specify which public road it refers to (construction and operational phase).	Complies, the request is presented, in consecutive No. 01402-2022. Access via prime paved road level, Fernández Oreamuno Pacific Coast Highway (Route 34). In the community of Dominical, ballasted street in fair condition. Annex Numeral 14 shows different access routes.
15	Frequency of mobilization: contribute since it was not presented (constructive and operational phase).	Complies, the request is presented, in consecutive No. 01402-2022. Transportation of materials: in regular periods, supplies 1-2 times a week; in more intense periods, a frequency of up to 4 times per week. Operation: always mobilization of workers and users of the project
16	Mapping of busiest routes	Fails.

Resolution No. 1024-2022-SETENA

	including access: contribute since it was not presented (construction and operational phase).	Annex Numeral 16. Site design, internal pedestrians. Vehicular accesses are not delimited. The route mapping does not indicate vehicular access. It is requested to correct indicating the vehicular access sites.
17	Water: on page 13 returned from EsIA, They mention that <i>"Water from the Unnamed Creek will be used, which has environmental viability."</i> Provide the administrative file to which it refers.	Complies, the request is presented, in consecutive No. 01402-2022 Annex Numeral 17. RES-1030-2017-SETENA and RES-1007-2017- are indicated. SETENA. Files D1-18999-2016 and D1-19001-2016. Water concessions. Which are located in plans P-1883461-2016 and P-1883460-2016, respectively.
18	Access routes: contribute since you did not show up.	Complies, the request is presented, in consecutive No. 01402-2022. The Fernández Oreamuno Pacific Coast Highway (Route 34) is presented as an access route.
19	Camps: contribute since you did not show up	Complies, the request is presented, in consecutive No. 01402-2022. Temporary facilities (materials warehouse, employee facilities) are not "housing" camps. Eventually with septic tank and infiltration field.
20	Disposal of ordinary, special, industrial and hazardous waste and residues: 20.1 Solids: Specify the volumes of earth or other materials to be removed (debris). Specify the site where it will be located and the characteristics of said site, the management that will be given and all the prevention measures to be taken at said site. If an authorized third party receives the earthworks or debris, the respective note must be provided. 20.2 Liquids (Including drains): provide since it was not presented. 20.3 Soft drinks: contribute since you did not show up. 20.4 Recyclable and/or reusable: contribute since it was not presented.	Complies, the request is presented, in consecutive No. 01402-2022. Annex Numeral 20 is presented. Officials SGA-236-2021 and SGA-237-2021 of the municipality of Osa. An approximate volume of 29,170 m3 of cut and 31,199 m3 of fill is contemplated . Liquids: latrines; septic tanks and temporary drains; sanitary cabins. Gaseous: equipment monitoring; saran and irrigation. Recyclable and/or reusable: topsoil, waste classification, materials bank of the Construction Chamber
21	Inventory and management of materials	Complies, the requested is presented, in the

Resolution No. 1024-2022-SETENA

	raw materials and dangerous substances in this phase: Provide, in the impact identification matrix, mention fossil fuel, consumption less than 5000l/month. Clarify, if it is going to be stored, how it will be handled, disposed of, transported, and define the volume to be stored. Please remember that, if it is greater than 1000l, you must request criteria from SENARA.	consecutive No. 01402-2022. It is indicated that fuel consumption will be less than 1000L/week, peddler type supply.
22	Equipment and materials to be used: Only They mention the desalination plant. Provide a list of materials (and their environmental hazard characteristics) to be used in the operation and the location and characteristics of the site where they will be stored, machinery and equipment to be used in each of the operation activities for this specific project.	Complies, the request is presented, in consecutive No. 01402-2022. There will be no machinery or raw materials to process. In the Operational Phase: one or two emergency electricity generation plants, fuel storage of no more than 200 liters per piece of equipment. Annex Numeral 22: Diesel MSDS.
23	Disposal of ordinary, special, industrial, and hazardous waste and residues: 23.1 Solids: They only mention those generated by the desalination plant, which is not part of this project, contribute. 23.2 Liquids (Including drains): provide since it was not presented. 23.3 Recyclable and/or reusable: The antiscalant and chlorine containers are mentioned, but they belong to another project, contribute again for the project under evaluation.	Complies, the request is presented, in consecutive No. 01402-2022. Ordinary waste disposed of in media that the municipality makes available. Liquids: two treatment plants. Recyclables: collected by the recycling program.
24	Inventory and management of materials raw materials and dangerous substances in this phase: They mention antiscalant and chlorine, but it belongs to another project, contribute again for the project under study.	Fails. It is indicated that fuels will be used, however, in the Raw Materials section, it is mentioned that no dangerous substances will be used. Therefore, point 24 is requested to be corrected.
Description of the Physical Environment		
25	Geological map of the AP and AID: It is presented only for the part that corresponds to the 3 planes that are located in the ZMT. Present for the entire Ap.	Complies, the request is presented, in consecutive No. 01402-2022. It is presented for the Playa Dominical Project where plain areas facing the sea are located. In fluvial-marine fills; and colluvium and debris. Dominical Ridge in flat areas and

Resolution No. 1024-2022-SETENA

		mountainous In coluvium and detritus; and Térraba Formation.
26	<p>Water quality: Submit according to Decree 32966 "Bacteriological, physicochemical and biological characterization of the surface waters that could be directly affected by the Project, analyzing the parameters that can potentially be altered by the implementation of the development activity (e.g. : temperature, electrical conductivity, total suspended and dissolved solids, COD, BOD, dissolved oxygen, oils and greases, heavy metals, nitrogen, sulfates, chlorine, fluorine and total coliforms).</p> <p>Evaluation of these characteristics. For the biological variable, a study of benthic or periphyton organisms must be carried out with the EPA methodology or another similar one.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022. Laboratory results are presented.</p>
27	<p>Air quality: Submit according to Decree 32966 "General characterization of air quality. The parameters must be analyzed (in accordance with the regulations established by current legislation) that may potentially be altered by the execution of the Project, work or activity. The technical information must be complemented with information that the population of the area can provide."</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022. Heavy machinery: new and in perfect condition, with periodic maintenance.</p>
28	<p>Noise and vibrations: Submit according to Decree 32966 "Characterization of the level of noise and vibrations in the study area, compared to the values indicated by specific or general standards (in accordance with current regulations), related to wind characteristics and other factors".</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022. Construction machinery will only be used during daytime hours.</p>
29	<p>Odors: Submit according to Decree 32966 "Characterization of odors in the study area, related to wind characteristics and other factors."</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022. The respective maintenance of the sanitary cabins will be carried out; while in the operational stage maintenance will be done</p>

Resolution No. 1024-2022-SETENA

		periodic report of the Wastewater Treatment Plant.
30	Gases: <i>“Characterization of gaseous emanations in the study area, compared to the values indicated by specific or general standards (in accordance with current regulations), related to wind characteristics and other factors.”</i>	Complies, the request is presented, in consecutive No. 01402-2022. Machinery will be available: new and in perfect condition, with periodic maintenance.
31	Natural threats: 31.1 Active geological faults: contribute if applicable 31.2 Susceptibility map: provide	Complies, the request is presented, in consecutive No. 01402-2022. There are no active faults in the AP. Susceptibility map in Annex Numeral 31, shows that a Quaternary fault is located within the area of indirect influence.
Description of the Biological Environment		
32	Provide a figure or map with the characterization of the biological components of the study area (AP and AID). This information was not provided.	Complies, the request is presented, in consecutive No. 01402-2022. The characterization map of the biological components is provided in Annex 32.
33	Terrestrial Environment, Associations present natural resources: This section is not developed in accordance with DE 32966-MINAE, therefore, must be developed and contributed. <i>“Identify each natural association (ecosystem) present in the AP and AID. Indicate the respective potential for conservation and give its extension in hectares. If two or more associations are present, indicate them on a map at the appropriate scale.”</i> 34. Terrestrial Environment, Endemic species, with reduced populations or in danger of extinction: It is not carried out in accordance with the provisions of the DE. 32966-MINAE, present it in the form of a unified list indicating its protection status in accordance with current legislation.	Complies, the request is presented, in consecutive No. 01402-2022. The natural associations present in the ecosystem are indicated, and the potential for conservation is also included.
34	Terrestrial Environment, Endemic species, with reduced or endangered populations: Not carried out in accordance with the provisions of the DE. 32966-MINAE, present it in the form of a unified list where its	Complies, the request is presented, in consecutive No. 01402-2022. A list of flora and fauna is presented, indicating the degree of conservation.

Resolution No. 1024-2022-SETENA

	protection status in accordance with current legislation.	
35 Terrestrial Environment, Fragility of ecosystems:	This section was not developed. Submit it as established by the DE. 32966-MINAE.	Complies, the request is presented, in consecutive No. 01402-2022. The requested section is presented.
36 Aquatic environment (inland waters).	Fragility of the continental aquatic environment: In the development of this section, the level of fragility is not indicated, nor does it define the need for buffer areas in the AP. According to what was seen on page 29 returned from EsIA. Contribute as stipulated by the DE 32966-MINAE.	Complies, the request is presented, in consecutive No. 01402-2022. It is indicated that the degree of fragility of this ecosystem is Medium.
Description of the Socioeconomic Environment		
37 Socioeconomic environment:	document presented in consecutive No. 01402-2022. socioeconomic aspects section The requested in Annex 37.1 is not signed and Annex 37.2. original, it is a scan seen on page 384 of the EsIA, it must provide the respective clarification of the case. 37.2 According to the information provided on pages 30 and 390 of the EsIA, it does not comply with the information necessary to correct what was requested through R-2134-2018-SETENA or with the DE 32966-MINAE. An introduction and a detailed description of the methodology and most important concepts used to prepare this section must be presented.	Complies, the request is presented in 37.1 The
38 Current land use in sites surrounding areas:	Reviewed the information visible on page 30 of the EsIA. No map is provided in accordance with the provisions of DE 32966-MINAE. Present a map with land use patterns in the AP and in the sites surrounding the Project (AID), and determine how the project could induce changes in current use patterns or how said patterns could affect the project, work or activity.	Complies, the request is presented, in consecutive No. 01402-2022. The request is presented in Annex 37.1.
39 Characteristics of the population, Cultural and social:	In accordance with the	Complies, the request is presented, in consecutive No. 01402-2022

Resolution No. 1024-2022-SETENA

	<p>information presented on pages 30th to 38th of the EsIA. This section is not developed, so it must be provided, according to the DE</p> <p>32966-MINAE. <i>"In addition, a brief characterization of the social organizations with an impact in the area, as well as the predominant social organization structures in the area, identifying and analyzing interest groups around the project, their interests, needs, position on the project. An analysis of the driving and obstructing forces of the project must also be presented, as well as the combination of various groups that could interact simultaneously in the execution of the project.</i></p> <p><i>Also the identification of the existing communal problems, by the people of the communities. Other cultural and social characteristics."</i></p>	
40 Road	<p>safety and current vehicular traffic conflicts: Folio 38 returned from EsIA. The section is not developed in accordance with the provisions of DE 32966-MINAE. Therefore, it must be presented accordingly.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022</p>
41 Emergency	<p>services available: In the information provided on page 38 of the EsIA. It does not include the population's perception of the potential impacts that the project, work or activity may have on the available emergency services. It must be carried out and contributed in accordance with current legislation.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022</p>
42 Basic	<p>services available: According to the information presented on page 38. It does not include the analysis of access, quantity and quality of the services that the study population has. Furthermore, not providing the population's perception of the potential impacts that may</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022</p>

Resolution No. 1024-2022-SETENA

	<p>generate the project, work or activity about the basic services available.</p> <p>It must be developed in accordance with DE 32966-MINAE.</p>	
43	<p>Local perception of the Project and its possible impacts (Prior to consulting the population about the project, they must be informed).</p> <ul style="list-style-type: none"> • Qualitative study for AID and All (Provide the instrument used and name of the key informants). • Quantitative study for AID and All (Provide the instrument used). • Interactive participatory process, with systematization of the process carried out for dissemination, consultation and call. Or, in effect, their respective technical justification. • The information is presented on page 39 of the EsIA. Does not comply with what was requested via resolution 2134-2018-SETENA, nor with what is established in 32966-MINAE. It must be presented as requested. 	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>The results of the applied methodology are presented in Annex 43.</p>
44	<p>Communal infrastructure: The information provided on page 38 of EsIA does not comply. Being that the population's perception of the potential impacts that the project, work or activity can generate on the communal infrastructure is not developed. Contribute it in accordance with the provisions of the DE 32966-MINAE.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>It is indicated that there will be no impact on the communal infrastructure centers.</p>
45	<p>Archaeological sites (extraction and storage site): In relation to earthworks, it must be clarified if the earth will be transported outside the AP towards private property, an annex must be presented to the study</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>It is indicated that there is no site of a historical-cultural nature.</p>

Resolution No. 1024-2022-SETENA

	archaeological that evaluated the condition of the property being used for the deposit of materials.	
46	Historical, cultural sites: East section was not developed. Submit it in accordance with DE 32966-MINAE.	Complies, the request is presented, in consecutive No. 01402-2022
47	Landscape. Provide the results of the perception study regarding this point: This section is not developed; According to its description, it speaks of another project different from the one analyzed through this EsIA. It must be provided in accordance with R-2134-2018-SETENA and DE 32966-MINAE	Complies, the request is presented, in consecutive No. 01402-2022. It is indicated that the development must be in accordance with what is established in the Existing Coastal Regulatory Plan.
48	Map of socially sensitive areas: Not provided, Must be provided in accordance with R-2134-2018-SETENA and DE 32966-MINAE.	Complies, the request is presented, in consecutive No. 01402-2022 It is presented in Annex 48.
Environmental diagnosis		
49	Environmental factors likely to be impacted: Include the management of solid waste, liquid waste, hazardous substances, relationships with nearby communities and elements of occupational health and hygiene.	Complies, the request is presented, in consecutive No. 01402-2022. The management of Solid Waste, Liquid Waste and hazardous substances is included.
50	Environmental impacts that the project will produce and its options: Things related to roads must be included.	Complies, the request is presented, in consecutive No. 01402-2022. From the road point. No significant impact is anticipated.
51	Environmental susceptibility map integral vs components of the project: The requested must be included in the map of susceptibility to natural threats, and sensitive social elements.	Complies, the request is presented, in consecutive No. 01402-2022. It is attached in the annexes, Annex #51.
Impact assessment and corrective measures		
52	It must be contributed separately for the Compliance. Physical, Biotic and It is indicated that this impact already occurs in the Socioeconomic and include the area; Since the project borders the following corrections or national route 34, this impact is not exclusive to this project; because a) They mention that the impact B1 Alteration of terrestrial biota due to noise from soil movement activity is contemplated in impact D1, but this refers to solid and liquid waste (page 50 returned from	It is currently being generated.

	<p>It is AI).</p> <p>b) They mention that the impact B1. Alteration of birdlife due to noise from soil movement activity is contemplated in impact D2, but this refers to solid and liquid waste (page 50 returned from EsIA).</p> <p>c) On page 59 of the EsIA, they mention that the impact G2. Alteration of the aerial biota due to transport of debris and supply of materials is contemplated in impacts D1 and E2, but E2 is not presented.</p> <p>d) Information regarding birdlife and flying mammals (bats) must be included due to the presence of buildings up to 5 stories high, due to possible collisions with the windows.</p> <p>e) Lighting that does not affect fauna must be included.</p> <p>f) The destruction of fauna must be included.</p>	
Forecast-Environmental Management Plan		
53	<p>Monitoring – Regency: 77return-78return of EsIA.</p> <p>Contribute again, since it is not clear what action is going to be monitored, nor what is the monitoring method, nor the type of analysis to be used, contribute according to DE 32966-MINAE: <i>“The environmental variables or factors that will be monitored (frequency, methods, type of analysis, and location of the sites) must be clearly defined.” There must be clear integration with what was proposed in the previous point. Monitoring may include the construction stage and/or the operation and closure stage depending on the complexity of the Project and the environmental fragility of the land.</i></p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>A table is presented that includes each of the environmental elements or actions that will be monitored during the execution of the project.</p>
Risk analysis and contingency plans		
54	<p><i>Contingency plan: Complies</i>, the request is presented, and consecutive No. 01402-2022. floods.</p>	<p>must be included in the <i>contingency plan for Tsunamis</i></p> <p>It occurs for both tsunamis and floods.</p>
Annexes		

Resolution No. 1024-2022-SETENA

55	<p>Detailed site design in which all the components of the project are shown: coverage is provided for each lot, however, the lot must be identified with the cadastral plan, and with the coverage authorized by the land use granted by the municipality, including that granted for the ZMT.</p> <p>Present in the form of a table in the site design, along with the construction footprint for each of the registered plans.</p> <p>Consider:</p> <p>a) Plan 6-1054661-2006: 1.40%ZMT b) Plan 6-1054658-2006: 2% ZMT c) Plan 6-1059811-2006: 55% equity and 7% ZMT. d) Plan 6-2021447-2017: ZPQ protection zone.</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>Site design is attached in Annex 55.</p>
56	<p>Certified copy of the conforming land use issued by the Municipality of the area (Municipality of Osa): 56.1 Not provided for plans 6-1883460-2016 and 6-394451-1997. 56.2 Official letter SZM-1194-2018 Municipality of Osa, pages 171-173 returned, it is granted in Concession to Hotelera Playa Dominical SA, however, it is not mentioned to which cadastral plan it corresponds. 56.3 The plans affected by DE 36786-MINAE by maritime-terrestrial zone must present the appropriate current concession.</p>	<p>According to what was requested in points No. 55 and 56 of Resolution No. 2782-2019, Presentation of Land Uses for cadastral plans; The land uses are not presented for the registered plans Nos. 6-1054658-2006, 6-1059811-2006, 6-394451-1997. The land use for the property where the Hotel will be built was also not included. Therefore, you must present them. On the other hand, this description also indicates: The property where the Hotel will be built, which is located in the ZMT, does not have a conditional use permit for the construction of the Hotel. Therefore, you must present it.</p>
57	<p>Consultant Certifications environmental:</p> <p>57.1 Provide the certification of the geographer Alexander Chávez, with both surnames. 57.2 Engineer Johannes Kuhlmann León and biologist Mariano Peinador Brolatto present digital signatures that are not active for LTV. Knowing the above, SETENA informs you that you will receive digitally signed documents in PDF format that</p>	<p>Complies, the request is presented, in consecutive No. 01402-2022.</p> <p>Information from professionals is presented: Geographer, civil engineer and biologists active before SETENA.</p>

Resolution No. 1024-2022-SETENA

	comply with the Official Formats Policy for Digitally Signed Electronic Documents. https://www.setena.go.cr/firmadigital/	
58	Global amount of the investment: Phase 2: 40,948,605 Guarantee: 409,486 (correct on page 219 EsIA present 409,948) Phase 3: 38,438,920 Guarantee: 384,389 (correct on page 219 EsIA present 384,438) Total, guarantee 1,092,666 (correct on page 219 EsIA present 1,092,266) It must be presented again certified and with the respective correction in letters.	Does not comply with what was requested The values vary according to each phase. Phase 1: 41,931,198 – Guarantee 1: 419,312 Phase 2: 50,001,938 – Guarantee 2: 500,019 Phase 3: 108,760,965 – Guarantee 3: 1,088,326 Total: 200,694,101 – Total Guarantee: 2,007,657. In Annex 13, a cost of \$46,254,342 is reported for phase 1 and \$108,832,554, which differ from those presented in the Global Investment Amount. It is requested to correct the data so that there is a coincidence between the reported costs.
*In accordance with the provisions of the Terms of Reference of DE 32966-MINAE, published in La Gaceta No. 85 of 4/5/2006.		

FIFTH: Through official letter No. DT-DEA-0222-2022 dated February 25, 2022, the developer is requested to correct the information presented in the Annex. The information requested through the aforementioned letter was presented to this secretariat by the developer on March 4, 2022 and May 25, 2022, with sequences No. 03731-2022.

No.	Requested document DT-DEA-0222-2022	Answer
1	According to what was requested in the Fourth Considering Clause of Res No. 2782-2019; point 3. The authorizations presented are not in accordance with what was requested. Therefore, it is requested that said authorizations be presented by the respective owner of the property and duly authenticated by a lawyer.	Complies, the request is presented, in consecutive No. 03731-2022 In Annex Numeral 1, the respective letters of authorization to the developer, signed by the owners of the property, are attached.
2	In relation to what was requested in the Fourth Considering Clause of Res No. 2782-2019; pt 13. Infrastructure to be developed: Annex Numeral 13 presents a design and description of the areas to be built divided into four phases. Phase 1: 35,595 m2, phase 2: 47,503 m2, phase 3: 107,031 m2. The investment values of phases 1 and 3	Complies, the request is presented, in consecutive No. 03731-2022. Annex Numeral 02. The description of the site is corrected so that it matches the Global Amount of the Activity. Phase 1: \$41,931,198. Phase 2: \$50,001,938.

Resolution No. 1024-2022-SETENA

	They do not coincide with those reported in the Global Investment Amount. Therefore, it is requested to correct the data so that there is a coincidence between the reported costs and to clarify this situation.	Phase 3: \$108,760,965.
3	According to what was requested in the Fourth Considering Clause of Res No. 2782-2019; pt 16. Mapping of busiest routes: The project site design is presented with its internal accesses; However, the map of the busiest routes is not provided nor was the map of vehicular access routes of the project presented, both for the construction and operational stages. Additionally, Annex 19, referring to the project's vehicular access, is empty. Therefore, what is requested must be provided.	Complies, the request is presented, in consecutive No. 03731-2022. Annex 03 includes information on access mobilization routes and routes.
4	With respect to what was requested in the Fourth Considering Clause of Res No. 2782-2019; pt 37.2. Response to Sociology Playa Dominical, it is indicated that 3 wastewater treatment plants will be built; However, the project description presented indicates that there will be 2 treatment plants. Therefore, you must clarify which is the correct number.	Complies, the request is presented, in consecutive No. 03731-2022. It is clarified that this project only includes the construction of 2 wastewater treatment plants.
5	In relation to what was requested in the Fourth Considering Clause of Res No. 2782-2019; pt 49. Environmental factors susceptible to being impacted. What is presented is a list of solid waste and its relevant legislation. Therefore, it must be presented as established by DE-32966. Remember that you must describe the environmental factors that may be affected by the project; elements such as: air, soil, surface water, aquatic and terrestrial biotopes, etc. must be included.	Complies, the request is presented, in consecutive No. 03731-2022 The description of the elements air, soil, surface waters, aquatic and terrestrial biotopes, social environment, etc. is made. of the existing medium where the project will be inserted.
6	According to the request in points No. 55 and 56 of Resolution No. 2782-2019,	Complies, the request is presented, in consecutive No. 03731-2022. In the physical aspect it includes and develops

Resolution No. 1024-2022-SETENA

	<p>Presentation of Land Uses for cadastral plans; The land uses are not presented for the registered plans Nos. 6-1054658-2006, 6-1059811-2006, 6-394451-1997. The use of land for the property where it will be built was also not included.</p> <p>the hotel. Therefore, you must present them.</p> <p>On the other hand, this description also indicates: The property where the Hotel will be built, which is located in the ZMT, does not have a conditional use permit for the construction of the Hotel. Therefore, you must present it.</p>	<p>the factors: air, water, soil, geology and geomorphology. Includes Table in Annex Numeral 05. The physical aspect is considered clarified.</p> <p>All land uses are included (8 land uses), and it is clarified that the land use where the hotel will be built is not conditioned.</p>
7	<p>In the Project Description presented in Annex No. 13, it is indicated that the Desalination Plant is processed with D1-20952-2017-SETENA, file that is under evaluation in the Dept. Environmental Assessment. However, it is indicated that in the first phase of this project the Desalination Plant will be built. Therefore, said paragraph should be omitted according to the fact that said plant corresponds to another project under evaluation.</p>	<p>Complies, the request is presented, in consecutive No. 03731-2022.</p> <p>A new project description is attached and the development of the Desalination Plant is corrected or omitted.</p> <p>Therefore, the project that is being evaluated in this file does not include the construction of a desalination plant.</p>
8	<p>The Affidavit of Environmental Commitments is not found in the physical file; it must be duly formalized and include, in this case, the use of materials obtained from earthworks, <i>article #4, DE No. 33959, article #4. DE No. 33959.</i></p>	<p>Complies, the request is presented, in consecutive No. 03731-2022.</p> <p>The Affidavit of Environmental Commitments is presented in Annex 08.</p>

CONSIDERING

FIRST: That Mr. Trevor Yoder, with passport No. 488048894, representing the company Un Paseo al Mar LLC Ltda, with legal ID No. 3-102-696315, is considered legitimate to request the Environmental Impact Assessment of the administrative file number D1-20951-2017-SETENA.

SECOND: That article 19 of the Organic Law of the Environment states "The resolutions of the National Environmental Technical Secretariat must be founded and reasoned. They will be mandatory for both individuals and public entities and organizations."

Resolution No. 1024-2022-SETENA

THIRD: That, in accordance with the criteria of the Evaluation Department Environmental, the field inspection and the documentation contained in the administrative file have determined the following:

1. The project submitted to the impact evaluation process through this file includes the infrastructure works necessary to provide the basic services of the project.

2. That the analysis of the Georeferencing carried out by the Geography Unit of This Department characterized it as follows:
 - to. Adjacent to this property, D1-20952-2017, plan (6-2021447-2017) is processed.
 - b. Coverage 2013: Pastures and mature forest patches.
 - c. Terrain characteristics (relief): Proximity
 - d. to geological faults (indicate distance): A fault line is recorded approx. 100 meters north of the project.
 - and. The project is affected by a spring or well, or by its protection radius: According to the Water Directorate database in its SINIGIRH viewer, 2 artisanal wells are registered in the project area.

 - F. There are bodies of water within or within a 50 meter radius around the area where the project will be developed: The project area is crossed by an unnamed intermittent stream.
 - g. The sector where the project will be developed presents data from recharge (SENARA): There is no recharge data for this sector.
 - h. The project will be developed within a biological corridor: Paso de la Danta Biological Corridor.
 - ya. The project will be developed within the Maritime Terrestrial Zone: A part of the project is within 150 m of the boundary line.

3. The initial environmental evaluation document (denoted D1) complies with the technical, legal and complementary information in sections 1.3 and 1.4.

Content	Detail
Affidavit of Environmental Commitments	It is presented and fulfilled
Global investment amount	\$200,694,101.00
Site design	Present and fulfill
Photographic record	Present and fulfill
Project description	Present and fulfill
Cartographic location	According to cadastral plans
Environmental Measures	Present and fulfill
Authorization or contracts	They show up and comply

Resolution No. 1024-2022-SETENA

Trades (SENARA, MOPT, SINAC etc).	NA
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4. From the inspection: Topography between flat and smooth with a slope of 0% to 10% approx. There is no evidence of landslides. Possible body of surface water at the time of the visit, an intermittent stream is observed, registered in the SNIT-SINIGIRH, Wells: there are 2 wells drilled within the Ap. The observed cover is grass vegetation with scattered trees. There are no characteristics indicative of Wetland. Fauna observed birds, mammals. Social component is with social infrastructure, public ballast accesses. Moderate traffic. Immediate boundaries to the AP sector North: With the South Inter-American Highway, South: Inalienable public area, East: Neighborhood lots, West: Public street towards Playa Dominical. The project has not yet started.

5. Technical aspects contemplated in the Environmental Impact Assessment (EIA):

Content	Observations
Study of Geotechnical	<p>Presents a geotechnical analysis. • In general terms, it is indicated that the topography is relatively flat. 5 boreholes were made with a depth of 4.0 m each. Regarding the classification of the soils, three types of layers were found: the first of vegetal soil, the second of clayey silt and/or brown silty clay, the third layer is of compact fine gray sand with brown veins. The water table was detected in all the surveys carried out, at a variable depth and with an average depth of 1.4 m.</p> <p>The investigation carried out on the ground reveals the presence of soils of soft consistency at the surface level, but in general the materials are suitable for the foundation of light to medium structures (one to two story buildings), since this type of structures transmit low loads to the foundation soil. The recommended allowable support capacity for the foundation is a rigid slab. Additionally, during the construction process, an adequate inspection must be carried out to verify that the design support capacity is available. Based on this recommended type of foundation (conventional type), and the offset levels, it is not expected that settlement problems will occur.</p> <p>No evidence of massive landslides is observed in the AP, due to shear failure of slopes or slopes in the northern sector, since most of these slopes show rocky composition, sometimes moderately altered, but without the presence of clay coverage of plastic consistency.</p> <p>It is recommended to apply rigorous control of the excavations in order to verify the characteristics of the soil and make adjustments in</p>

Resolution No. 1024-2022-SETENA

	<p>case that conditions different from those found in the drilling carried out occur.</p>
<p>Study Hydrological</p>	<p>Technical conclusions:</p> <p>Segment A: Several delay structures will be implemented with an extension of approx. Of 6,357m² and with depths of 2.40 meters; for a total volume of 17,536m³.</p> <p>Segment B: Flood studies for a flow with a 100-year return period (flood flow 36.4m³/s); which implies the construction of protection dams on both banks of the "Sin nombre" stream. It also includes the expansion of at least two existing sewers on Route 34 Pacifica Fernández.</p> <p>In general, it is recommended to clean river channels and streams and monitor existing hydraulic structures and new ones to be built.</p> <p>From the point of view of surface water management, the project is viable, as long as the aforementioned criteria are taken into account.</p>
<p>Certification of Risk Anthropic</p>	<p>Present Certification</p>
<p>geology basic, Hydrogeology, Threats</p>	<p>The Dominical Beach Project where in plain areas facing the sea. In fluvial-marine fills; colluvia and debris from the Térraba Formation.</p> <p>There are no aquifers in the area where the project is located;</p>

natural	<p>It is a coastal area with clayey colluvial fills and classic marine fluvia that are thin and have very low transmissibility; Therefore, the vulnerability to groundwater contamination is practically zero.</p> <p>The surface alteration coverage has a low infiltration capacity, and the combination of this with steep slopes and dip "against the slope", causes the low flow of percolation waters that infiltrate the area between the boundary of The mountain range and the coastal road flow in a NE direction outside the limits of the investigated properties.</p> <p>The investigated lands are unconsolidated fills of marine fluvial origin in the coastal area (Playa Dominical), which have little thickness and are saturated or saturable by brackish waters and their transmissivity is apparently too low for the aquifers to be used by conventional wells. .</p> <p>According to the pollution vulnerability index, by the GOD analysis method, this corresponded to 0.17, a value that corresponds to low vulnerability to aquifer pollution.</p> <p>The most important seismic sources for the region where the AP is located include sources due to the subduction of the Cocos plate under the Caribbean Plate, as well as several local faulting zones, such as the Longitudinal Fault and the Delicias Fault; all of these located within a range of 30 km away from the AP. Additionally, the AP is not subject to or exposed to any degree of threat, because volcanic activity is recorded more than 70 km to the North of the AP.</p> <p>The lands of the coastal plain may be subject to some degree of threat from extraordinary floods, due to overflowing of the Barú River and the threat of Tsunami; In both cases they are threats with a very high return period.</p>
Report Archaeological Fast	<p>According to what is indicated by Archl. Magdalena León Coto, no remains or evidence of archaeological remains were found there. No further archaeological studies are required.</p>
Rapid Biological	<p>Develop the study at the ESIA. Within the AP there are plant associations that can be called pastures with areas of charral and very few trees. There is also the presence of small patches of riparian vegetation, which are associated with the channels of the streams; which has an area</p>

Resolution No. 1024-2022-SETENA

	<p>of protection stipulated by the Forest Law. Additionally, in the Maritime Terrestrial Zone (ZMT), it is dominated by vegetation, especially grasses and coconut palm vegetation, as well as beach almond trees. Part of the AP, it is located within the Paso de la Danta Biological Corridor. Within the AP, no species of flora or fauna was found that falls within any protection category.</p> <p>The project is not located within any protected wilderness area.</p> <p>The areas of direct influence of the project are located within the Maritime-Terrestrial Zone, so the necessary mitigation measures must be taken. According to the activities planned for this project, there will be no impact on ecosystems of interest.</p>
Socioeconomic Qualitative	<p>study was carried out.</p> <p>90% in favor of the project.</p> <p>The instrument used was in-depth interviews.</p> <p>Among the proposed measures are improving road infrastructure, improvements to the local aqueduct, promoting reforestation programs and environmental education.</p>

6. Among the basic services of the project it will have the following:

Content	Description	Responsible / Institution
Certificate of Use of Floor	Use permitted and in force by the Municipality of Osa	CUS-1607-2021. CUS-1608-2021. CUS-1491-2021. CUS-1611-2021. AZM-0334-2021. AZM-0333-2021. AZM-0331-2021. AZM-0332-2021.
Drinking water availability	There is availability	Through wells drilled in the future by water from the desalination plant, which is in the VA process, under another expte.

Resolution No. 1024-2022-SETENA

Waste Collection Availability solids	There is availability	Municipality of Osa.
Electricity availability	There is availability	Costa Rican Institute of Electricity (ICE).
Sewage treatment	The project will have 2 PTA Developer	
Water Release Rainwater	There is availability	Official letter SZM-075-2019 is presented, issued by the Municipality of Osa.
Earth Movements.	It states that the material will not be transported outside the project, if carried out in compliance with current regulations. It is indicated that the Cut-Fill earth movement will be 29,170m ³ .	Developer

The developer is warned that he must request the corresponding permits from the competent authorities. No resolution of this Secretariat creates any right in the event that the Local Municipality or other agency does not grant the corresponding permits.

7. The studies carried out point out a series of recommendations that must be followed as indicated, as part of the project's environmental commitments.
8. If the removal of a tree is required, the corresponding permit must be processed at the MINAE office, and if bodies of surface water or wells are located within or on the limits of the AP, current legislation must be applied. regarding protection zones.
9. For each environmental impact identified in the basic environmental impact identification matrix, the corresponding mitigation measure is presented.
10. Regarding the weighting criteria, the final SIA rating established a value of **366 points**. In accordance with what is established by SETENA's Environmental Impact Assessment procedure, according to the decision route, the activity requires the presentation of an **Environmental Impact Study**, as an environmental assessment instrument.

FOURTH: According to the analysis, the following is determined:

- a. That the project complies with the provisions of decrees 31849-minae and 32966-minae.
- b. The approved land uses are located in the information presented in sequence 03731-2022 of the file. c. That the project does not present a Wetland area.

FIFTH: That article 17 of the Organic Law of the Environment states that: "Human activities that alter or destroy elements of the environment or generate waste, toxic or dangerous materials, will require an environmental impact evaluation by the National Environmental Technical Secretariat created in this law. Its prior approval, from this body, will be an essential requirement to begin activities, works or projects. The laws and regulations will indicate which activities, works or projects will require environmental impact assessment."

SIXTH: That in this administrative procedure, the environmental evaluation instrument was presented: the **initial Environmental Assessment document, the Environmental Impact Study (EslA), and the Affidavit of Environmental Commitments**, according to the Manual of Technical Instruments for the Environmental Impact Assessment process (EIA Manual, part II), which were duly analyzed by the Environmental Assessment Department, it was concluded that they comply with the terms of reference and the technical requirements issued by this Secretariat. By virtue of the above, and in accordance with the control and monitoring powers established in article 20 of the Organic Law of the Environment, which states: "The National Environmental Technical Secretariat will establish instruments and means to monitor compliance with the resolutions of Evaluation of environmental impact. In cases of violation of its content, it may order the stoppage of the works. The interested party, the author of the study and those who approve it will be, directly and jointly, responsible for the damages caused." From the above, it has been analyzed and it has been determined that they comply, so what is appropriate in this case is to approve the environmental impact assessment instrument: the Environmental Impact Study (EslA), the Affidavit of Environmental Commitments and the environmental impact matrices, presented in Document D1 and grant environmental viability.

SEVENTH: That in accordance with Article 45°. - Resolution and granting of the Environmental Viability (or License) of the Environmental Impact Assessment regulation Executive Decree No. 31849-MINAE-MAG-MOPT,MEIC,S, states: "The environmental guidelines or guidelines of commitment that frame the granting of environmental viability (license), and which will be based on the entire EIA process, as well as a series of conditions and instruments for environmental control and monitoring, which include the following elements: Development and implementation of Environmental Control and Monitoring Instruments (ICOS), which include 3 basic aspects such as: Appointment and Acceptance of an Environmental Responsible, an Environmental Log and the Environmental Guarantee, the amount of which will be set by this administrative act. The presentation of the Environmental Control and Monitoring Instruments (ICOS) must be carried out before starting activities, works or projects, through the Digital Log module available on the official SETENA website: www.setena.go.cr, as established in Executive Decree No. 31849 and modified by Executive Decree No. 42912.

EIGHTH: That at the time of issuing this report there are no persons or persons opposed to the development of the project described.

NINTH: In accordance with Resolution No. 1834-2016-SETENA, on Labeling of Projects with Environmental Viability, approved by the Plenary Commission, in its ordinary session No. 140-2016 of this Secretariat dated September 29,

2016, they are ordered in the Therefore ***FIRST:*** *That for those projects that, due to their potential environmental impact, are classified as B1, B2 and A as well as for telecommunications towers, and once they are assigned a file number in SETENA, with which the evaluation will be processed, within a period of 15 business days, the developer must place a sign informing of the processing of the project, for the information of the interested parties. Said label does not generate any right or expectation of any right in its favor, since environmental viability will be granted if it fully complies with the regulatory provisions.*

**THEREFORE
THE PLENARY COMMITTEE RESOLVES**

In Ordinary Session No. 046-2022 of this Secretariat, held on JUNE 16, 2022, in Article No. 29 it is agreed:

FIRST: According to the information provided by Mr. Trevor Yoder, with , legal representative of Ltda Ltda., with legal ID No. 3-102-696315., Un Paseo al Mar LLC US passport No. 488048894 and the environmental consultant Javier Esquivel Font, ID No. 1-647-047., registration SETENA CI-007-1996-SETENA, responsible for the presentation and preparation of the Environmental Impact Assessment (EIA) presented to SETENA (Regulations consistent with Executive Decree No. 31849 articles 3 section 23, 81, Decree 32712-MINAE article 5 and article 20 of Law 7554), whose information has the character of a Sworn Declaration so it is considered current and true, otherwise criminal consequences may arise from the fact as established in the article 9 of Executive Decree No. 31849-MINAE-S-MOPT-MAG-MEIC amended by article 2 of Executive Decree No. 32734 of August 9, 2005, approve:

- to. The Environmental Impact Study (EslA).
 - b. The D1 Environmental Assessment Form.
 - c. The Affidavit of Environmental Commitments
 - d. The environmental measures, the recommendations of the Technical Studies and the environmental impact matrices, presented together with the Environmental Assessment Document, which were subjected to evaluation by the environmental consultant and the designer.
 - and. The complementary technical studies, which include a series of recommendations that are mandatory, so if you do not accept them, you may be sanctioned in accordance with current binding legislation.
- F. Additional information presented.

SECOND: In accordance with the provisions of paragraph 3 of article 22 of executive decree No. 31849-MINAE-S-MOPT-MAG-MEIC, and after evaluating the information contained in the administrative file and the environmental evaluation instrument presented, it is recommended continue with the administrative process of Environmental Impact Assessment; so that the Plenary Commission proceeds, in accordance with subsection a) of Article 6 of Executive Decree No. 36815-MINAET, to issue the administrative resolution that **grants the Environmental Viability (License)** considering the provisions of Article 20 of Law 7554.

Resolution No. 1024-2022-SETENA

THIRD: In accordance with articles 17,18 and 19 of the Organic Law of the Environment, the environmental evaluation procedure of the project has been complied with, which has the following characteristics:

Project Characteristics: Project Name:

Dominical Tourism Development: Playa Dominical Location: Province: Puntarenas
Canton: Osa District: Bahía Ballena Hoja.

Cartographic:

Dominical. Scale 1:50,000

Coordinates: Not provided Registered Plan Number - Property
number - Property size according to

plan (m2) 6-1883461-2016 15362.00 m² 6-1883460-2016 20139.00 m² 6-2021447-2017

12,730, 00 m ² 6-1945988-2017	1,271.00 m ² 6-1187-000	6-1054661-2006 19,026.00 m ²
6-1054658-2006 13,034.00 m ²	6-1019-7-000	6-1018-4-000 3,199.32 m ² 6-2246 -2020
5,151.00 m ²	6-757-Z-000	
	6-2685-Z-000	
	6-146014-000	
	6-149015-000	
	6-149017-000	
	6-149016-000	

Project area according to design: 105091 m² .

ISIC Classification and Project Category: 5510 - A SIA Score:

366 Environmental

Consultant: Name and ID Registration number and

validity: CI-007-1996

Project Developer: Company name:

Un Paseo al Mar LLC Ltda, Legal ID: 3-102-696315.

Represented by: Trevor Yoder, US Passport:

488048894

Project Environmental Consultant: Name:

Javier Esquivel Font Physical ID No.:

1-647-047.

Registration number and validity: CI-007-1996-SETENA and 08/28/2025

Project description:

The Playa Dominical Tourism Development will be developed in a series of properties located in Bahía Ballena, Puntarenas, Costa Rica itself, in the town of Dominical. The project will have commercial, service, hotel and residential activities.

Playa Dominical is located south of Route 34 (Costanera) and has a total area of 9 hectares. The entire property is within the Regulatory Plan, so certain restrictions must be respected regarding the development to be carried out. Four of his

Resolution No. 1024-2022-SETENA

properties are located in the Maritime Terrestrial Zone so they are concessioned lands.

Below is a summary table of the properties involved in the Development:

	Owner	Legal Identification Number	Registration Plan	Area (m ²)	Guy
1	Cabin of the Waves of Playa Dominical, Ltda	3-102-156455	6-1883461-2016 6-118	Z-000 15,362.00	Concession
2	Hotelera Playa Dominical, Ltda	3-102-156454	6-1883460-2016 6-119	Z-000 20 139.00	Concession
3	Cabinas Estrellas del Mar of Dominical, Ltda	3-102-156323	6-2021447-2017 6-757	Z-0 12,730.00	Concession
4	Playa Caliente SA 3-101-164098 5 Paseo del Mar LLC, Ltda		6-1945988-2017 6-268	5-Z-000 1,270.00	Concession
6	Paseo del Mar LLC, Ltda	3-102-696315	6-1054661-2006 6-146	014-000 19,026.05	Private property
7	Paseo del Mar LLC, Ltda	3-102-696315	6-1054658-2006 6-149	015-000 13,034.00	6-1098146 Private property
8	Paseo del Mar LLC, Ltda	3-102-696315	-2006 6 -149017-000 3	199.32 6-2246827-2020	Private property
		3-102-696315	6-149016-000 5 151.00		Private property

The project will be developed in three stages. Stages I and II include tourism and commercial components, stage III combines tourism, residential, commercial and community development elements.

Regarding the supply of drinking water for the project, there are two water concessions with viability to supply the total water for the project. In addition, it is important to mention that it is planned that the system may become mixed if another concession of desalinated water is provided in the future as an alternative source. An area has been planned for the future installation of the equipment on property 6 and a collection tank on property 2.

The planned solution for wastewater treatment will be through the construction of two treatment plants strategically located on the properties. One of these is located within the Maritime Zone in lot 1, the second plant will be located in lot 5.

The disposal of rainwater will be done by constructing rainwater delay solutions in the lots that require it, which will drain into the Quebrada Sin Nombre to allow direct drainage to a permanent water current. The permits from the MINAE Water Department are found within the documents provided.

In the Cascante Gorge, gabion walls will be built on both sides of the ravine, approximately 332 meters long, 1 meter wide and 2 meters high. In addition, it will be necessary to build a vehicular bridge and a pedestrian bridge necessary for the movement of people through the project.

The construction of a dam to the east of the property will be necessary, which is a work in progress with the following conceptual design; 1 meter high, 1 meter wide at the crown and 3 meters wide at the base. Even at the time of construction, it will have to

Resolution No. 1024-2022-SETENA

adjust levels to the sections where it interferes with the project's Public Street, so as not to interfere with the passage of vehicles.

As a complement, it will be necessary to reconstruct a vehicular bridge and two pedestrian bridges (pedestrian bridge 1 and pedestrian bridge 2 as indicated in the site design) necessary for the movement of people through the project.

The phases of the project are detailed below:

PHASE

1 In this Phase, the provisional installations for construction, earthworks, electrical and mechanical infrastructure, sidewalks, streets, etc. will be carried out.

In addition, improvements will be made to municipal public roads, according to future MOPT recommendations, such as paving the road with an area of 14,175 m², the construction of a vehicular bridge over the Cascante ravine of 85 m², the construction of two pedestrian bridges over the ravine bed called Pedestrian Bridge 1, 68.76 m long and Pedestrian Bridge 2, 51.76 m long; and a dike to protect the stream from flooding that will have an area of 352 m. Finally, a pedestrian bridge will be built over Route No. 34 with a construction area of 505 m².

This first phase includes the construction of the Desalination Plant, which will be built on property 6. It includes the area where the containers and pumps are located, approximately 400 m² in coverage, and the underground pipes. The approximate cost of this plant is \$4,117,280. In addition, an earthwork is contemplated with an approximate volume of 29,170 m³ of cut and 31,199 m³ of fill. If the cut material meets the technical specifications to be used as filler, it will be used on the job, the remaining material will be hauled outside the project.

Likewise, the construction of two wastewater treatment plants for the Development is contemplated: the first on property 1 with an area of 82 m² and the second on property 5 with an area of 96 m². The total cost of the treatment plants is \$545,000.

The construction of a 4-level Hotel will be developed with 120 rooms and 20 tourist villas, an underground parking lot, an outdoor pool and a rooftop terrace, all of this meeting the requirements established for the area. The hotel will be built on property 1. The property is located in the Maritime Terrestrial Zone and is encompassing the use of the Cabin Accommodation Zone (ZAC). A conditional use permit for the Hotel is being processed before the Municipality, in accordance with the current Regulatory Plan.

In addition, the construction of the hotel's vehicular and pedestrian circulation streets is considered at this stage. The total construction area of the hotel is 35,225 m², with a coverage of 8,914 m². The approximate construction cost is: \$34,2773,049.

In total, a total construction area for Phase 1 is estimated at 35,595 m² and a cost of \$46,254,342 (including the value of the land and consulting fee costs. See breakdown in Cost Certification).

PHASE 2

In this Phase, the construction of a 4-level Hotel, 200 rooms and 40 Timeshare Villas, with underground parking, swimming pools and rooftop terraces, is considered. It also includes an events/conference room, beach club, restaurant, spa and gym. Likewise, it contemplates the construction of all vehicular circulation and

Resolution No. 1024-2022-SETENA

associated pedestrian. It includes a 6,403 m² roof terrace, a 9,945 m² parking area, and a 1,088 m² swimming pool. The hotel will be

built on property 2, which is located in the Maritime-Terrestrial Zone, in the Tourist Accommodation Zone (ZAT). The total estimated area is 47,503 m², with a coverage of 11,944 m² and an approximate construction cost of \$47,116,454.

In total, a total construction area for Phase 2 is estimated at 47,503 m² and a cost of \$50,001,938 (including the value of the land and consulting fee costs. See breakdown in Cost Certification).

PHASE 3

This Phase will be made up of a tourist residential complex type "town houses", a terrace for commercial use, a beach hotel, 6 mixed-use commercial and residential condominium towers and a museum. It covers properties 3, 4, 5, 6, 7 and 8.

The "town houses" complex will be on 3 levels, with 34 villas, with 3,567 m² underground parking and a 3,567 m² roof terrace. It includes the construction of pedestrian circulation (including a pedestrian bridge) of 641 m² and vehicular circulation of the complex of 1,270 m². It will be built on property 3, which is located in the Maritime-Terrestrial Zone and covers the uses of the Residential Tourist Zone (ZRT) and the Creek Protection Zone (ZPQ). The distribution of the buildings respects the protection area of the Quebrada Sin Nombre. A construction area of 20,163 m² is estimated, a coverage of 5,891 m² and a construction cost of \$18,140,056.

The commercial terrace will be built on property 4, which is located in the Maritime-Terrestrial Zone and encompasses the Tourist Facilities Zone. It includes the construction of a one-level mixed commercial area, a basement for inventory management and pedestrian circulation of the complex.

The total construction area is 1093 m², with a coverage of 569 m² and an estimated construction cost of \$965,832.

On property 5, located in an Urban Area for Residential and Commercial Use, a hotel will be built with 3-level micro-apartments and 72 rooms, a 2,320 m² basement and a 2,320 m² roof terrace. It includes the construction of the pedestrian circulation of the complex with an area of 31 m². The construction area is approximately 12,007 m², coverage 2,727 m² and an estimated cost of \$12,053,085. In addition, 4 mixed-use commercial and residential condominium towers will be built, with 3 levels, the first level with commercial and service use and the other two levels for residential use with 50 apartments, with 6,101 m² underground parking and a terrace on the ground floor. 6101 m² roof terrace. It includes the construction of pedestrian circulation of 55 m² and vehicular circulation of 137 m². The construction area is approximately 31,222 m², a coverage of 6,815 m² and an estimated construction cost of \$31,159,037.

On property 6, located in the Urban Residential and Commercial Use Zone, two mixed-use commercial and residential condominium towers will be built. The first tower has 3 levels, the first level with commercial and service use and the other two levels for residential use with 24 apartments, 3,013 m² underground parking and a 3,013 m² roof terrace. Includes the construction of the associated pedestrian circulation of 397 m². The construction area is 15,269 m², coverage of 3,216 m² and approximate cost of \$14,862,073. The second tower has 3 levels, the first level with commercial and service use and the other two levels for residential use with 30 apartments, 3,244 m² underground parking and a 3,244 m² roof terrace. Includes the construction of circulation

Resolution No. 1024-2022-SETENA

pedestrian of 397 m2 and associated vehicular of 44 m2. The construction area is 16,195 m2, coverage of 3,217 m2 and approximate cost of \$15,721,244.

Finally, a 3-level museum will be built, with 2,034 m2 underground parking, and a 2,034 m2 roof terrace for recreational use. It includes the construction of 143 m2 vehicular circulation and 434 m2 pedestrian circulation of the complex. It will be built on property 8, which is located in the Urban Residential and Commercial Use Zone. The estimated construction area is 10,604m2, coverage of 2,468 m2, approximate cost of \$10,073,498.

Property 7 will not be developed as it is affected by the protection zone of the Quebrada Sin Nombre, only the construction of aerial pedestrian circulation is contemplated, which will not invade the protection withdrawal of the ravine. The estimated area is 477 m2, with an approximate cost of \$71,589.

In total, a construction area for Phase 3 is estimated at 107,031 m2 and a cost of \$108,832,554 (including the value of the land and consulting fee costs. See breakdown in Cost Certification).

Developer and Environmental Consultant to Notify

- Trevor Yoder carmen@grupo-aica.com
- Javier Esquivel Font and goa@grupo-aica.com

Therefore, the **ENVIRONMENTAL VIABILITY (LICENSE)** is granted to the project, leaving the Environmental Management stage open and with the understanding of complying with the fundamental Environmental Commitment Clause.

FOURTH: Mr. Trevor Yoder, with US passport No. 488048894, is ordered to represent Un Paseo al Mar LLC Ltda., with legal ID No. 3-102-696315., administrative file **D1-20951-2017-SETENA:**

- a- Provide the amount of environmental guarantee for compliance with environmental obligations in the amount of \$ 2,006,941.01 (Two million six thousand nine hundred and forty-one dollars and zero one cent) or its equivalent in colones at the exchange rate of the moment, corresponding at 1% of the total declared investment amount of the project. Which will be requested according to the following table:

Phases	Investment amount (\$)	Warranty Environmental (\$)	Warranty Environmental Accumulated (\$)
1	\$41,931,198.00	\$419,311.98	\$419,311.98
2	\$50,001,938.00	\$500,019.38	\$919,331.36
3	\$108,760,965.00	\$1,087,609.65	\$2,006,941.01
Total	\$200,694,131	\$2,006,941.01	\$2,006,941.01

Resolution No. 1024-2022-SETENA

To provide the Performance Guarantee there are three options:

Yo. Term Deposit Certificate (Any Public or Private Bank), issued in the name of the developer and endorsed in favor of MINAE-SETENA. ii. Compliance Guarantee established by any financial entity recognized by the State, issued in the name of the developer and indicating that the beneficiary is MINAE-SETENA.

For options "i" and "ii", it must be submitted to the Department of Custody and Administration of Securities of the National Bank of Costa Rica, in the Central Offices, to be kept in custody No. CV-7297-SETENA-MINAE. The term of the performance guarantee must be a minimum of one year. When renewing, when it comes to environmental guarantees issued in dollars, it must be carried out at the current exchange rate.

iii. Bank deposit in the accounts of the Ministry of Environment and Energy (MINAE), legal ID (legal ID No. 2-100-042014). These accounts are registered with the National Bank of Costa Rica.

The bank accounts are registered in the National Bank of Costa Rica in the name of MINAE, legal ID (legal ID No. 2-100-042014).

Name	Current account	Customer account	Denomination
Environmental Guarantees MINAE Colones	100-01-202- 000510-1	15120210010005107 Colones	
Environmental Guarantees MINAE Dollars	100-02-202- 000362-7	15120210020003629 dollars	

b. The deposit or transfer must indicate in the concept: File number and name of the developer. Also, indicate the name of the project and the file number, as well as provide this Secretariat with proof of the respective deposit; which must be for a minimum period of one year, according to article 21 of the Organic Law of the Environment.

c. Appoint an Environmental Responsible by the Developer, in addition to the acceptance of the Environmental Regency by the Environmental Responsible.

d. Carry out the activation of the Digital Log.

All Environmental Control and Monitoring Instruments (ICOS) requested in points "b", "c" and "d" mentioned above must be enabled by the developer before the start of activities, through the Digital Log module available on the site. SETENA official website: www.setena.go.cr, as established in executive decree no. 31849 and modified by executive decree no. 42912.

FIFTH: Based on the environmental characteristics of the AP and its interaction with the activities that the project will carry out, a periodicity of presentation of environmental reports is established every **SIX MONTHS** during the construction stage, and a final consolidated report at the end of the construction stage, according to with the provisions of the Agreement

Resolution No. 1024-2022-SETENA

Plenary CP-036-2011-SETENA of February 28, 2011. Environmental reports must be presented within a maximum period of 10 days after the end of the period they cover. At the time of starting activities, the period of the first environmental reagency report begins. To prepare these reports, according to the format established by this Secretariat, it will be the responsibility of the environmental regent to carry out the necessary number of visits, depending on the characteristics of the project.

Based on these reports and the monitoring program, SETENA may adjust the guarantee amount and dictate mandatory compliance measures to keep the project, work or activity within a controlled environmental impact margin. The person in charge and the owner must provide support to the work of SETENA, in the inspections it carries out.

SIXTH: Failure to comply with the requirements of this Secretariat, as well as any of the obligations contracted in the Affidavit of Environmental Commitments, the environmental impact matrices and Form D1, may be sanctioned in accordance with the provisions of article 99 of the Organic Law of the Environment, as well as other current legislation.

SEVENTH: According to Decree No. 31849-MINAE-S-MOPT-MAG-MEIC, the validity of this feasibility will be for a period of **FIVE YEARS** for the start of the works, project or activities. If the works do not begin within the established time, the provisions of current legislation will be applied.

EIGHTH: Order the developers of activities, works or projects that, based on the resolution that grants Environmental Viability, a **sign** must be placed at the entrance to the project area which must comply with the format established in resolution No. 1834- 2016-SETENA of September 29, 2016.

NINTH: This Viability is granted with the understanding that the developer of the project, work or activity will fully and completely comply with all the technical, legal and environmental regulations and standards in force in the country and be executed before other authorities of the Costa Rican State. . Failure to comply with this clause by the developer will not only make it subject to the sanctions implied by non-compliance with said regulation, but also, by constituting the same, part of the fundamental basis on which the VLA is based, it will make that said VLA is automatically annulled with the technical, administrative and legal consequences that this has for the activity, work or project and for its developer, in particular with respect to the scope of the application of article 99 of the Organic Law of the Environment. .

TENTH: Prevent the developer that according to Article 11 of DE No. 31849-MINAE-S-MOPT-MAG-MEIC, compliance with the EIA procedure does not exempt the developer of an activity, work or project from the procedure to be completed before other authorities of the Administration, in accordance with the powers and regulations in force, nor from comply with their obligations or responsibilities that arise from their management.

ELEVENTH: Warn the developer that the Environmental Viability (License) only contemplates what is indicated in the project description, any modification must be

Resolution No. 1024-2022-SETENA

informed SETENA, so that it can carry out the environmental evaluation of said modification, otherwise it will proceed in accordance with current regulations.

~~**TWELFTH:**~~ All documentation that is presented to SETENA can be sent to the DOCUMENT RECEIPT PORTAL:
<https://portal.setena.go.cr>

which must clearly indicate the file number, full name of the project, the resolution number or reference of the document number and duly signed.

~~**THIRTEENTH:**~~ If your document does not have a digital signature (LTV) and is signed physically, you can attach the scanned document in PDF format and send the original document to SETENA within a period of no more than five business days, via Costa Rica post office.

~~**FOURTEENTH:**~~ Against this Resolution it is possible to file within a period of three business days, counted from the day following the notification, the ordinary appeals for revocation before the SETENA, and the appeal before the Minister of Environment and Energy, in accordance with articles 342 and following of the General Law of Public Administration and 87 of the Organic Law of the Environment.

~~**FIFTEENTH:**~~ All documentation that is presented to SETENA must clearly indicate the file number, the resolution number and the full name of the project, as well as an email to respond to future notifications or ratify the one that appears in the administrative file.

~~**SIXTEENTH:**~~ The original documents signed digitally (Digital Signature) will be available to the interested party at the web address <http://www.setena.go.cr/>, where it must be verified by any interested party and public or private entity. For all legal purposes according to **Law 8454** The digital signature issued by a registered certifying authority has the legal equivalence of a handwritten signature, according to article 4 which indicates:

*“Article 4—Legal qualification and evidentiary force. Electronic documents will be classified as public or private, and will be recognized as probative force under the same conditions as physical documents. **A printed copy of the signed document***

It is digitally archived as a piece of the administrative file that is in the custody of SETENA. In accordance with article 8 of Law 8220, the interested party who requires a procedure may not be requested to present certifications, copies of information that another institution already possesses, according to pre-established legal means.

Sincerely,

**ING. ULISES ALVAREZ ACOSTA
GENERAL SECRETARY
ON REPRESENTATION OF THE PLENARY COMMITTEE**

Resolution No. 1024-2022-SETENA

Document was notified in the office of the National Environmental Technical Secretariat
No. **1024-2022-SETENA** at **09** hours **45** minutes on **JUNE 16 , 2022**.

Notify

Developer and Environmental Consultant to Notify

- Trevor Yoder carmen@grupo-aica.com
- Javier Esquivel Font and goa@grupo-aica.com

Signature: _____ id _____

At _____ hours and _____ minutes of _____ of _____ of 2022.

Notify _____

In accordance with article 34 of the Judicial Notifications Law No. 8687 (published in La Gaceta No.20 of January 29, 2009), the document that is issued by email or fax has the validity and effectiveness of documents original physical items, and means must be established to guarantee authenticity, integrity and security.